



CALIFORNIA WATER BOARDS

State Water Resources Control Board Regional Water Quality Control Boards

Water Board Function: Waste discharge to land regulation

Regulation of all point source discharges of waste to land that does not require full containment, does not involve confined animal facilities, and does not involve discharge of a pollutant to a surface water of the United States that is subject to the federal Clean Water Act.

Water Board Program(s) Relevant to Function:

Waste Discharge Requirements (WDR) Program (in the past also referred to as the Non-15 program).

Problem/Issue Description:

Discharges of waste to land that are not contained in a landfill or waste management unit have the potential to affect water quality of both surface water and groundwater. WDR Program discharges are the most diverse of the core regulatory programs and include:

- Discharge of sewage from municipal treatment plants, private utility treatment plants, small private treatment plants and larger septic tank/leachfield systems serving commercial, industrial, and residential developments.
- Production of recycled water from municipal sewage, and the distribution and use of recycled water by various types of users.
- Treatment and discharge of domestic sewage sludge and biosolids.
- Discharge of processing wastewater from sand and gravel and other mining operations not involving navigable surface water and not subject to Title 27.
- Discharge of industrial wastewater from power plants, oilfield production, etc.
- Discharge of wastewater, waste residuals, treated sludge, and recycled water from food processing plants and operations (packing, cooling, peeling, dicing, fermenting, brining, canning, etc.) for milk, cheese, tomatoes, olives, wine, and many other fruits and vegetables, etc.
- Discharge of wastes from minor surface water dredging projects and all discharges in addition to dredging that occur to surface waters not waters of the United States.
- Discharge of wastes from water supply treatment plants.
- Discharge of treated water supplies for aquifer storage and recovery projects, and similar disposition of untreated water supplies and stormwater used for groundwater replenishment and as water banking projects.
- Discharge of treated groundwater from remedial actions at leaking underground tank and other spill sites.

Overview of Function:

The California Water Code (CWC) requires any person discharging waste or proposing to discharge waste (other than into a community sewer system) that could affect the quality of waters of the State to file a report of waste discharge. Filing of a report of

waste discharge requires a fee, standard forms, and supporting technical information. The supporting technical information describes the wastes, the surface features and geology of the site, treatment and control of the waste, nearby land uses, all waters potentially affected by the discharge, et seq. The Regional Water Board can waive filing of a report but once a report is filed it must either waive or adopt waste discharge requirements. The CWC authorizes imposition of administrative civil liabilities for failure to file a report of waste discharge and for discharge of waste before obtaining either a waiver or waste discharge requirements unless certain conditions are met. The law provides 140 days to waive or adopt waste discharge requirements once a filed report of waste discharge has been determined complete, and more time when CEQA documents must be prepared.

Each waste discharge requirements order contains conditions intended to ensure the discharge conforms to the Water Code. Multiple factors must be considered in determining reasonable conditions of discharge and the quality that should be maintained in groundwater, including the relevant water quality control plans and water quality objectives. Where a group of discharges are similar, use similar treatment, and occur under similar conditions, a general order containing waste discharge requirements for everyone within the group can be adopted.

Waste classification determines whether a waste discharge to land must be regulated under the WDR Program or Land Disposal Program (except for sewage, fertilizer, and radioactive material, which are always regulated under the WDR Program). Classification of waste considers the potential risk of impairment to water quality from the biological, chemical, and physical properties of the waste. Title 27, California Code of Regulations, section 20005, et seq. (hereafter 27 CCR) contains the regulations that establish the waste classification system. If any constituent in or derived from a waste requires that it be classified as designated waste, and neither the waste nor the waste management unit qualifies as an exception under 27 CCR 20200(a)(1), the waste must be fully contained and regulation falls under the Land Disposal Program. If a waste is not classified as designated waste and also discharged consistent with the basin plan, it can be exempted from containment under 27 CCR 20090 and regulated under the WDR Program.

Water recycling is encouraged and any person who proposes to produce or use recycled water must file a report and obtain water reclamation requirements or a master reclamation permit. The CWC requires that Department of Health Services (DHS) establish criteria for each type of use of recycled water and the DHS regulations for this purpose are contained in Title 22, CCR. DHS regulations concerning recharge of groundwater with recycled water are pending.

Any waste discharge is a privilege [CWC section 13263(g)], the full waste assimilative capacity of receiving waters need not be authorized [CWC section 13263(b)], and waste discharge requirements may be reviewed and revised at any time, but in any case are subject to periodic review. The established maximum review periods of five, ten, and fifteen years, which correspond with the threat classifications used for fees, are intended to ensure requirements are effective in precluding unauthorized water

degradation and nuisance. Waivers for both individual and categories of discharges must be subjected to review and renewal at least every five years.

Role of Water Board Staff:

Regional Board staff prepares and submits WDR for consideration and adoption by Regional Board.

Regional Boards regulate discharges in the WDR program by:

- Preparing waste discharge requirements to be adopted as individual Orders for specific discharges.
- Preparing waste discharge requirements to be adopted as general Orders where similar treatment and discharge conditions allow for the development of one order to cover numerous discharges.
- Preparation of water reclamation (recycling) requirements of master reclamation permits.
- Preparation of individual waivers if appropriate for specific a discharge.
- Preparation of general waivers for categories of waste discharges.
- Require and review technical or monitoring reports of discharges to determine compliance.
- Perform inspections.
- Take informal and formal enforcement actions.

The State Board administers WDR Program by providing program administration assistance and developing statewide policies. The State Board staff may also review Regional Board Orders petitioned to the State Board.

Role of Regional Board Members: Conducts public hearing, and considers and adopts WDR.

Role of State Board Members: Reviews petitions from Regional Board adoption of WDR. Issues statewide general orders. Adopts policies and regulations.

Primary Issues of Concern:

Salt and gradual groundwater degradation caused by discharges to land are difficult issues to address when issuing waste discharge requirements.

Septic systems are discharges of waste that are unregulated and not adequately covered under waivers pending implementation of statewide regulations.

Groundwater monitoring in waste discharge requirements has generally been insufficient to determine if water quality objectives are being met.

Program resources for the WDR program are limited and do not allow thorough inspection and monitoring of the thousands of sites covered by waste discharge requirements or waivers.

Definition of Key Terms:

"Waste" includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal.

[CWC 13050 (d)]

"Waivers" are when a report of waste discharge or waste discharge requirements are waived for a certain category or type of waste discharge or discharger as long as the conditions of the waiver are met. Conditions generally include monitoring as well as other requirements.